

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
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Washington, Wednesday, September 21, 1938

## The President

### FIRE PREVENTION WEEK—1938

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS the many preventable fires which occur each year in the United States cause loss of life or serious injury to thousands of persons; and

WHEREAS hundreds of millions of dollars' worth of property is destroyed annually by fires in this country; and

WHEREAS the great number of fires occurring in homes in the United States emphasizes the urgent need for impressing upon every citizen the fullest realization of individual responsibility for bringing about the curtailment of losses of life and property resulting from fires;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the week beginning October 9, 1938, as Fire Prevention Week, and I urge upon all the people of the nation that they cooperate in the movement to emphasize the disastrous consequences of preventable fires to the end that more effective precautionary measures may be taken to eliminate fire hazards, and thus to safeguard human life and prevent the needless waste of property.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of September, in the [SEAL] year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL  
Secretary of State.

[No. 2299]

[F. R. Doc. 38-2756; Filed, September 20, 1938; 12:40 p. m.]

## EXECUTIVE ORDER

### ESTABLISHING THE UNION SLOUGH MIGRATORY WATERFOWL REFUGE

#### IOWA

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, containing 1,334.61 acres, more or less, acquired or to be acquired by the United States, in Kossuth County, Iowa, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the area shall become part of the refuge hereby established upon acquisition of title thereto or lease thereof by the United States:

#### FIFTH PRINCIPAL MERIDIAN

- T. 97 N., R. 28 W.,  
sec. 3, fractional  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ ,  
NE $\frac{1}{4}$ , the east 0.28 chain  $SE\frac{1}{4}NE\frac{1}{4}$ ,  
fractional  $E\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ , diagonal  $SE\frac{1}{4}$   
of fractional  $W\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  
 $NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ , and  $W\frac{1}{2}SW\frac{1}{4}$ ;  
sec. 4,  $SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ,  
 $S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$   
 $SE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ,  
and  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
sec. 9,  $W\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$   
 $NE\frac{1}{4}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $NE\frac{1}{4}$   
 $SW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$ ,  $NW\frac{1}{4}$   
 $SE\frac{1}{4}$ , and  $S\frac{1}{2}SE\frac{1}{4}$ ;  
sec. 10,  $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}$ , and  
 $S\frac{1}{2}SE\frac{1}{4}$ ;  
T. 96 N., R. 28 W.,  
sec. 34, diagonal  $SE\frac{1}{4}S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$  and  
 $SE\frac{1}{4}$ ;  
sec. 35,  $SW\frac{1}{4}$ .

This reservation shall be known as the Union Slough Migratory Waterfowl Refuge.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
September 19, 1938.

[No. 7976]

[F. R. Doc. 38-2754; Filed, September 20, 1938; 10:49 a. m.]

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#### EXECUTIVE ORDER

##### ENLARGING THE ST. MARKS MIGRATORY BIRD REFUGE

##### FLORIDA

By virtue of and pursuant to the authority vested in me as President of the

United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the lands and waters, together with all accretions thereto, acquired or to be acquired by the United States within the area delineated on the diagram attached hereto and made a part hereof,<sup>1</sup> comprising approximately 22,000 acres, in Wakulla County, Florida, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as an addition to the St. Marks Migratory Bird Refuge, established by Executive Order No. 5740 of October 31, 1931: *Provided*, that any private lands within the area shall become a part of the refuge upon the acquisition of title thereto or lease thereof by the United States.

It is unlawful for any person to hunt, trap, capture, wilfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of this refuge, or to enter thereon except under such rules and regulations as may be prescribed by the Secretary of Agriculture.

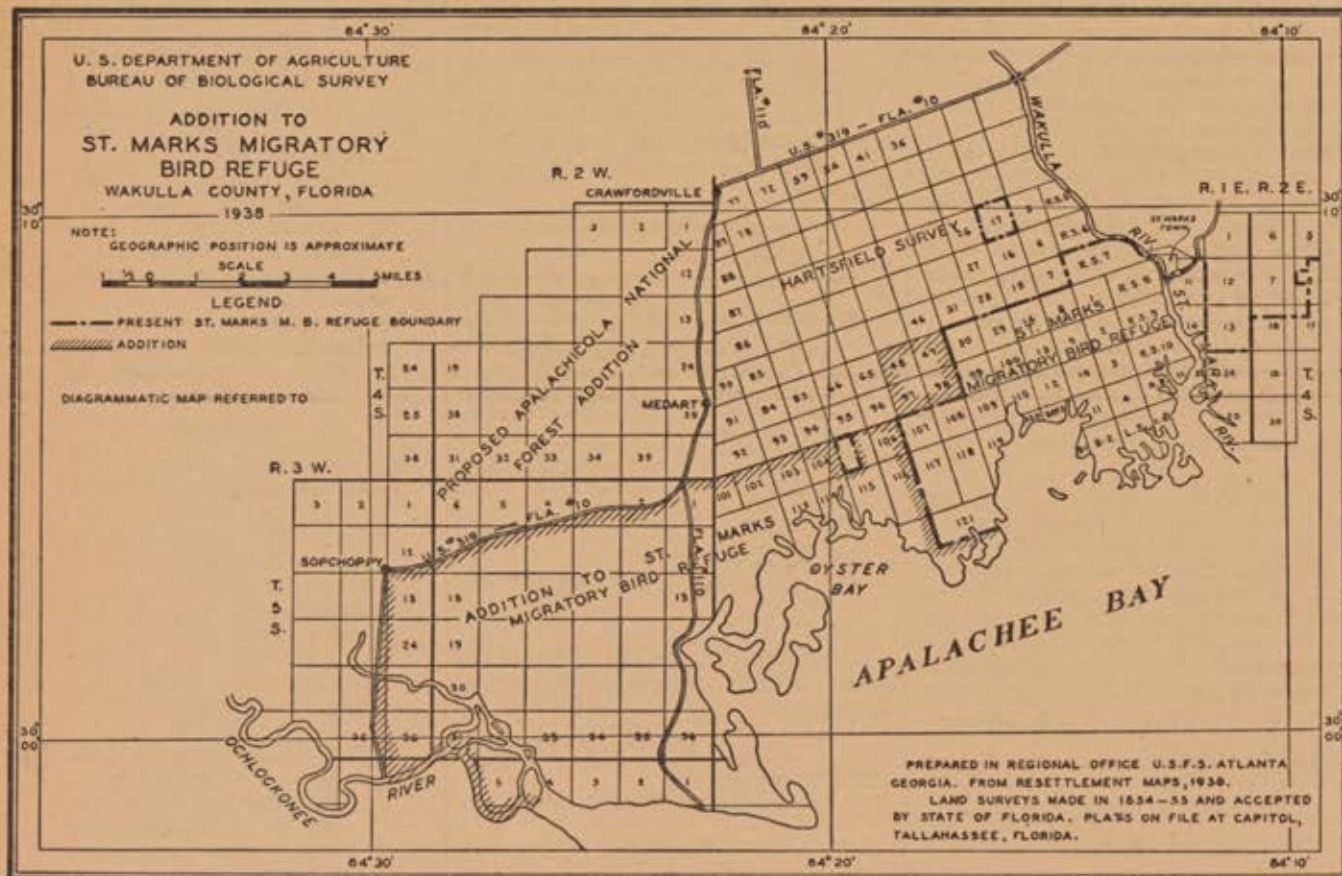
FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
September 19, 1938.

[No. 7977]

[F. R. Doc. 38-2755; Filed, September 20, 1938; 10:49 a. m.]

<sup>1</sup> See illustration herewith.



This map accompanies Executive Order No. 7977



## Rules, Regulations, Orders

## TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT  
ADMINISTRATIONAMENDMENT TO DETERMINATION OF FARM-  
ING PRACTICES TO BE CARRIED OUT IN  
CONNECTION WITH THE PRODUCTION OF  
SUGARCANE IN THE MAINLAND CANE SUGAR  
AREA DURING THE CROP YEAR 1938

Pursuant to the provisions of Section 301 (e) of the Sugar Act of 1937, I. M. L. Wilson, Acting Secretary of Agriculture, do hereby determine that the "Determination of Farming Practices to be Carried Out in Connection with the Production of Sugarcane in the Mainland Cane Sugar Area during the Crop Year 1938, Pursuant to Subsection (e) of Section 301 of the Sugar Act of 1937," issued April 25, 1938,<sup>1</sup> be and the same is hereby amended by adding before the final paragraph on page 2 the following provision:

D. Each one and one-half acres of land the top soil of which is combustible (determined as such by the State Agricultural Conservation Committee) on which there are carried out the practices specified in paragraphs B, C, D and E of Amendment 3 to Southern Region Bulletin 101, issued June 11, 1937,<sup>2</sup> for protecting the soil against fire, assuring adequate drainage, and preventing soil oxidation and subsidence, shall be counted as one acre of soil-building practices: Provided, however, That there shall be carried out on such land on the farm such other practices as are recommended for the farm by the County Agricultural Conservation Committee, and approved by the State Agricultural Conservation Committee, for protecting the soil against fire, assuring adequate drainage, preventing soil oxidation and subsidence, and otherwise preserving and improving the fertility of the soil and preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the land is located.

Done at Washington, D. C., this 19th day of September, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,  
Acting Secretary.

[F. R. Doc. 38-2756; Filed, September 20,  
1938; 12:29 p. m.]

DETERMINATION OF FAIR AND REASONABLE  
WAGE RATES FOR PERSONS EMPLOYED IN  
THE PRODUCTION, CULTIVATION OR HAR-  
VESTING OF THE 1938 CROP OF SUGAR  
BEETS

[Revised]

Whereas, Section 301 (b) of the Sugar Act of 1937 provides, as one of the con-

ditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas, the Secretary of Agriculture, pursuant to a notice of hearing, dated January 14, 1938,<sup>3</sup> held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1938 crop of sugar beets.

Now, therefore, I. H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1938 crop of sugar beets as follows:

A. For farms from which sugar beets were contracted to be delivered to factories located in the following districts:

*District I.*—Ohio, Michigan, Indiana, and Wisconsin:

Blocking, thinning, and hoeing, \$11.00 per acre.

Pulling and topping, \$7.00 for 7 tons or less per acre plus \$1.00 for each ton per acre in excess of 7 tons per acre.

*District II.*—Minnesota and Iowa:

Blocking, thinning, and hoeing: "Old method" or "hill drop" fields, \$12.50 per acre.

"Blocked" fields, \$10.50 per acre.

Cross cultivated fields, \$9.50 per acre.

Pulling and topping, \$6.30 for 7 tons or less per acre, and 90 cents for each ton per acre in excess of 7 tons per acre.

*District III.*—Kansas:

Blocking and thinning, \$7.50 per acre.

1st hoeing, \$2.00 per acre.

2nd hoeing or weeding, \$1.00 per acre.

Pulling and topping, 90 cents per ton up to and including yields of 12 tons per acre; for yields in excess of 12 tons, 80 cents per ton.

*District IV.*—Nebraska, Colorado, Southern Wyoming, South Dakota:

Blocking and thinning, \$8.00 per acre.

1st hoeing, \$2.50 per acre.

2nd hoeing or weeding, \$1.50 per acre. Pulling and topping, 90 cents per ton up to and including yields of 12 tons per acre; for yields in excess of 12 tons, 80 cents per ton. Where loading is performed by the same laborers doing the topping, 10 cents per ton shall be added to the topping rates.

*District V.*—Montana, Northern Wyoming:

Blocking and thinning, \$9.50 per acre.

1st hoeing, \$2.50 per acre.

2nd hoeing or weeding, \$1.50 per acre.

Pulling and topping, 90 cents per ton up to and including yields of 12 tons per acre; for yields in excess of 12 tons, 80 cents per ton. Where loading is performed by the same laborers doing the topping, 10 cents per ton shall be added to the topping rate.

*District VI.*—Utah, Idaho, Oregon:

Blocking and thinning, \$8.00 per acre.

1st hoeing, \$2.50 per acre.

2nd hoeing or weeding, \$1.50 per acre.

## Topping and loading

Net tons per acre:	Rate per ton
Below 8.....	\$1.15
8.....	1.12
9.....	1.09
10.....	1.06
11.....	1.03
12.....	1.00
13.....	.97
14.....	.95
15.....	.93
16.....	.92
17.....	.91
18 or more.....	.90

*District VII.*—Washington:  
Blocking and thinning, \$7.50 per acre or 40 cents per hour.

1st hoeing, \$2.00 per acre or 35 cents per hour.

2nd hoeing or weeding, \$1.50 per acre or 35 cents per hour.

Topping, 70 cents per ton.  
Loading, 30 cents per ton.

B. For farms located in the following districts:

*District I.*—Klamath County, Oregon, Pershing County, Nevada, and Northern California:<sup>4</sup>

Blocking and thinning, \$7.50 per acre or 40 cents per hour.

1st hoeing, \$2.00 per acre or 35 cents per hour.

2nd hoeing or weeding, \$1.50 per acre or 35 cents per hour.

## Pulling, topping, and loading

Net tons per acre:	Rate per ton
Up to 4.....	\$2.23
4 to 5.....	1.98
5 to 6.....	1.73
6 to 7.....	1.48
7 to 8.....	1.33
8 to 9.....	1.23
9 to 10.....	1.18
10 to 11.....	1.13
11 to 12.....	1.08
12 to 13.....	1.04
13 to 14.....	1.00
14 to 15.....	.97
15 to 16.....	.94
16 to 17.....	.91
17 to 18.....	.89
18 to 19.....	.87
19 to 20.....	.85
20 or more.....	.83

<sup>4</sup> Including all California counties not listed in footnote 3.

<sup>1</sup> 3 F. R. 949 DI.

<sup>2</sup> 2 F. R. 1003 (1197 DI).

<sup>3</sup> 3 F. R. 108 DI.



Topping, 50 cents per hour.

Loading, 45 cents per hour.

District II.—Southern California:

Blocking and thinning, \$6.00 per acre or 35 cents per hour.

1st hoeing, \$1.75 per acre or 30 cents per hour.

2nd hoeing or weeding, \$1.25 per acre or 30 cents per hour.

#### Pulling, topping, and loading

Net tons per acre:	Rate per ton
Up to 6.....	\$1.50
6 to 7.....	1.35
7 to 8.....	1.24
8 to 9.....	1.16
9 to 10.....	1.09
10 to 11.....	1.01
11 to 12.....	.95
12 to 13.....	.90
13 to 14.....	.85
14 to 15.....	.81
15 to 16.....	.77
16 to 17.....	.74
17 or more.....	.69

Topping, 45 cents per hour.

Loading, 40 cents per hour.

Provided, however, That in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as, a house, garden plot, and similar incidentals: And Provided further, That the foregoing shall not be construed to mean that a producer may qualify for payment who has not paid in full the amount agreed upon between the producer and the laborer: And Provided further, That the producer shall not through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

This determination supersedes the "Determination of Fair and Reasonable Wage Rates for Persons Employed in the Production, Cultivation or Harvesting of the 1938 Crop of Sugar Beets, Pursuant to the Sugar Act of 1937", issued April 4, 1938.

Done at Washington, D. C., this 19th day of September, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-2757; Filed, September 20, 1938; 12:29 p. m.]

#### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[Quarantine No. 48]

TERMINATION DATE ON FRUIT AND VEGETABLE RESTRICTIONS UNDER JAPANESE BEETLE QUARANTINE ADVANCED TO SEPTEMBER 20 FOR THE YEAR 1938

It has been determined that the active period of the Japanese beetle in its relation to fruits and vegetables has already ceased for the present season and that it

is, therefore, safe to permit the unrestricted movement of the fruits and vegetables listed in regulation 5 of the rules and regulations (16th revision) supplemental to Notice of Quarantine No. 48<sup>1</sup> from the entire regulated area as defined in regulation 3 of said rules and regulations; therefore it is ordered that all restrictions on the interstate movement of the articles referred to above are hereby removed on and after September 20, 1938. This order advances the termination of the restrictions as to fruits and vegetables provided for in regulation 5 from October 16 to September 20, 1938, and applies to this season only.

Done at the city of Washington this 19th day of September 1938.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-2738; Filed, September 19, 1938; 4:03 p. m.]

#### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

##### WAR DEPARTMENT

REGULATIONS GOVERNING THE OPENING OF THE HIGHWAY BRIDGE ACROSS SAUGATUCK RIVER AT WESTPORT, CONN.

REVOCATION OF SECTION 3.028

AUGUST 25, 1938.

To: The Secretary of War.

On July 12, 1930 the Secretary of War approved regulations to govern the opening of the drawbridge across the Saugatuck River at Westport, Connecticut. Request was made by the Connecticut State Highway Commissioner for approval of plans for the reconstruction of this drawbridge so as to convert it into a fixed structure. It was found that the needs of navigation at this locality no longer required a drawbridge, and the plans for a fixed bridge were approved by the Secretary of War under date of August 19, 1938. It is therefore recommended that the existing regulations requiring opening of this bridge be revoked.

M. C. TYLER,  
Brigadier General,  
Acting Chief of Engineers.

Recommendation approved August 27th, 1938.

[SEAL] LOUIS JOHNSON,  
Acting Secretary of War.

[F. R. Doc. 38-2753; Filed, September 20, 1938; 10:03 a. m.]

#### Notices

##### FEDERAL TRADE COMMISSION.

United States of America—Before  
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in

<sup>1</sup> 3 F. R. 831 DI.

the City of Washington, D. C., on the 12th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3346]

IN THE MATTER OF ADELE MILLAR, AN INDIVIDUAL, DOING BUSINESS UNDER THE TRADE NAMES—MME. ADELE AND CHEZ ADELE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 19, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 548, Federal Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2752; Filed, September 20, 1938; 10:03 a. m.]

United States of America—Before  
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3382]

IN THE MATTER OF HITT FIREWORKS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;



*It is further ordered, That the taking of testimony in this proceeding begin on Thursday, September 29, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 801, Federal Building, Seattle, Washington.*

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2750; Filed, September 20, 1938; 10:02 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayers, Robert E. Freer.

[Docket No. 3385]

IN THE MATTER OF MARCUS A. WEINBERG AND BELLE WEINBERG, INDIVIDUALS, AND TRADING AS PACIFIC CHINA COMPANY, AND RAY Y. CLIFFE, AN INDIVIDUAL, AND TRADING AS PACIFIC CHINA COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;*

*It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 4, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.*

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2751; Filed, September 20, 1938; 10:02 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 15th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3394]

IN THE MATTER OF CHRISTOPHER CANDY COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;*

*It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 9, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.*

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2740; Filed, September 20, 1938; 9:59 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3405]

IN THE MATTER OF WARREN WATKINS, INDIVIDUALLY AND TRADING AS SQUARE DEAL CANDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;*

*It is further ordered, That the taking of testimony in this proceeding begin on*

Wednesday, November 9, 1938, at two o'clock in the afternoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2741; Filed, September 20, 1938; 9:59 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3419]

IN THE MATTER OF THE ENDURA CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

*It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;*

*It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 24, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.*

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2742; Filed, September 20, 1938; 9:59 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1938.



Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3435]

**IN THE MATTER OF H. F. ALLEN, AN INDIVIDUAL, TRADING AS TECHNICAL LABORATORIES AND AS TECHNICAL PRODUCTS COMPANY**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 17, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 548, Federal Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2743; Filed, September 20, 1938; 10:00 a. m.]

**United States of America—Before Federal Trade Commission**

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3443]

**IN THE MATTER OF E. A. HOFFMAN CANDY COMPANY, A CORPORATION**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, November 10, 1938, at ten o'clock in the forenoon of that day (Pa-

cific standard time) in Room 1021, Hotel Clark, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2744; Filed, September 20, 1938; 10:00 a. m.]

**United States of America—Before Federal Trade Commission**

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3460]

**IN THE MATTER OF KARL W. PETERS, TRADING AS NATIONAL INSTITUTE FOR PHYSICAL ADVANCEMENT**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding, and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 7, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2745; Filed, September 20, 1938; 10:00 a. m.]

**United States of America—Before Federal Trade Commission**

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3468]

**IN THE MATTER OF WACO DRUG COMPANY ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Henry M. White, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 5, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 526, New Court House Building, Portland, Oregon.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2746; Filed, September 20, 1938; 10:01 a. m.]

**United States of America—Before Federal Trade Commission**

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3469]

**IN THE MATTER OF PATCH PREMEK CORPORATION, A CORPORATION**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 1, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf



of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2747; Filed, September 20, 1938; 10:01 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayers, Robert E. Freer.

[Docket No. 3480]

*IN THE MATTER OF DEKAMA, INC., A  
CORPORATION*

**ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 14, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2748; Filed, September 20, 1938; 10:01 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3486]

*IN THE MATTER OF ROSEMARIE LEWIS, IN-  
DIVIDUALLY AND TRADING AS CERTANE  
COMPANY, AND CERTANE COMPANY, INC.*

**ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Charles P. Vicini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 18, 1938, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 1021, Hotel Clark, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-2749; Filed, September 20, 1938; 10:02 a. m.]

**SECURITIES AND EXCHANGE COM-  
MISSION.**

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1938.

[File Nos. 55-5—55-8, inclusive]

HUGH M. MORRIS AND JOHN N. SHANNAN, TRUSTEES OF MIDLAND UNITED COMPANY AND MIDLAND UTILITIES COMPANY, AND MILLARD B. KENNEDY

**ORDER**

Hugh M. Morris and John N. Shannan, Trustees of Midland United Company, Debtor, and Trustees of Midland Utilities Company, Debtor, and Millard B. Kennedy, general counsel to said Trustees of Midland United Company and of Midland Utilities Company having filed applications pursuant to Rule 11F-2, promulgated under Section 11 (f) of the Public Utility Holding Company Act of 1935; a public hearing having been held on these several applications pursuant to appropriate notice; said applicants having waived a Trial Examiner's report, submission to them of proposed findings of fact by the Commission, and the right to file briefs and make oral argument before the Commission, prior to the entry of the Commission's findings and order herein; and the Com-

mission having considered the record in these matters and having on the date hereof made and filed its findings and opinion herein;

It is ordered,

1. That the amount of \$11,250 be, and it is hereby fixed, for the time being, and without prejudice to the subsequent fixing of final maximum limits therefor upon further application, as the maximum amount that may be paid to Millard B. Kennedy as compensation for services rendered as general counsel to the Trustees of Midland United Company during the period from September 1, 1937 to May 31, 1938; and that the sum of \$566.64 be, and it is hereby fixed as the final maximum amount that may be paid to said Millard B. Kennedy for expenses incurred by him in the performance of his duties as such general counsel during the months of March, April and May 1938; the foregoing sums to cover any office or other overhead expenses which should be provided for in connection with such services.

2. That the amount of \$7,500 be, and it is hereby fixed, for the time being, and without prejudice to the subsequent fixing of final maximum limits therefor upon further application, as the maximum amount that may be paid to Millard B. Kennedy as compensation for services rendered as general counsel to the Trustees of Midland Utilities Company during the period from September 1, 1937 to May 31, 1938; and that the sum of \$243.96 be, and it is hereby fixed as the final maximum amount that may be paid to said Millard B. Kennedy for expenses incurred by him in the performance of his duties as such general counsel during the months of March, April and May 1938; the foregoing sums to cover any office or other overhead expenses which should be provided for in connection with such services.

3. That Millard B. Kennedy shall pay to the estate of Midland United and to the estate of Midland Utilities Company, respectively, the amount by which the payment he has heretofore received from each such estate for expenses incurred during the months of March and April, 1938, exceeds the final maximum amount allowed in paragraphs 1 and 2 hereof for expenses incurred on behalf of each such estate during the months of March, April and May, 1938.

4. That until further order of the Commission Millard B. Kennedy and the Trustee or Trustees of Midland United Company and of Midland Utilities Company be, and they are hereby exempted from the necessity of making subsequent applications pursuant to Rule 11F-2 for approval of maximum ad interim allowances to said Millard B. Kennedy for fees, expenses, and remuneration on account of services and expenses rendered or incurred, or to be rendered or incurred, subsequent to May 31, 1938, without prejudice to the subsequent fix-



ing of the final maximum limits therefor upon further application, subject, however, to the following conditions:

(a) Any such ad interim allowances to Kennedy for services as general counsel to the Trustee or Trustees of Midland United Company shall not exceed \$1,250 per month, and shall cover any office or other overhead expenses for which allowance should be made;

(b) any such ad interim allowances to Kennedy for services as general counsel to the Trustee or Trustees of Midland Utilities Company shall not exceed \$833.33 per month, and shall cover any office or other overhead expenses for which allowance should be made; and

(c) any such ad interim allowances to Kennedy for expenses incurred in the performance of his duties as general counsel to the Trustee or Trustees of Midland United Company and of Midland Utilities Company shall be limited to reimbursement for actual cash disbursements, shall not exceed \$400 per month in the aggregate, and shall be divided between and charged to the two estates as accurately as possible on the basis of expenses actually incurred on behalf of each.

5. That the exemptions set forth in paragraph 4 hereof are subject to the following additional conditions:

(a) Three copies of any application by or on behalf of Kennedy for fees, expenses or remuneration covering any period subsequent to May 31, 1938, which may be filed with the court shall be filed simultaneously with this Commission;

(b) three copies of any bill for or statement of Kennedy's services or expenses covering any period subsequent to May 31, 1938, which may be submitted to the Trustee or Trustees of Midland United Company or of Midland Utilities Company, or both, shall be submitted simultaneously to this Commission;

(c) if no such application is filed with the court, or if no such bill for or statement of services and expenses is submitted to the Trustee or Trustees there shall be filed with this Commission at least 10 days prior to any payment for or in account of same, three copies of a statement showing the services rendered and the expenses incurred by Kennedy; and

(d) this Commission retains jurisdiction to terminate the exemptions, or any of them, at any time upon notice to Kennedy and to the Trustee or Trustees of Midland United Company or of Midland Utilities Company, or both.

6. In the event Millard B. Kennedy resigns as general counsel to the Trustee or Trustees of Midland Utilities Company, no payment shall be made to said Millard B. Kennedy pursuant to paragraph 4 (b) of this order for any period after the effective date of his resignation; and from and after said date the exemp-

tion referred to in paragraph 4 (c) of this order shall not exceed \$300 per month, and shall be charged to and paid out of the estate of Midland United Company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR.

Secretary.

[F. R. Doc. 38-2739; Filed, September 19, 1938; 4:04 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13 day of September, A. D. 1938.

[File No. 43-103; 47-19]

IN THE MATTER OF REPUBLIC ELECTRIC POWER CORP., OF DEL., SOUTHERN OREGON GAS CORP. OF CALIF., CALIFORNIA UTILITIES CO. OF CALIF., NEEDLES GAS AND ELECTRIC CO. OF CALIF., WEAVERVILLE ELECTRIC CO. OF CALIF., APACHE GAS COMPANY OF NEVADA, GAS TRANSPORT COMPANY OF NEVADA, AND REPUBLIC MUTUAL SERVICE CO. OF CALIF.

NOTICE OF AND ORDER FOR HEARING  
(CORRECTION)<sup>1</sup>

A declaration and application, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on September 23, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such manner. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding

<sup>1</sup> 3 F. R. 2240 DI.

shall file a notice to that effect with the Commission on or before September 20, 1938.

The matter concerned herewith is in regard to the proposed reorganization and recapitalization of the Republic Electric Power Corporation of Delaware holding company system. The plan provides for the divestment by the Republic Electric Power Corporation of securities and other assets of its subsidiaries, for territorial integration, for the simplification of the corporate structure, and the eventual dissolution of the Republic Electric Power Corporation of Delaware and the Republic Mutual Service Company of California, with the object of meeting the requirements of Section 11 (b) of the Holding Company Act. California Utilities Company, Needles Gas and Electric Company, and Weaver Electric Company will be merged into the Southern Oregon Gas Corporation, which will continue to operate as the surviving corporation under the name California-Pacific Utilities Company. It is proposed that the surviving corporation will acquire all the assets and assume all liabilities of the three corporations which it will absorb. The new corporation will issue a total of \$475,000 of bonds, \$425,000 of which will be issued to the Republic Electric Power Corporation and \$50,000 to be issued to the Niagara Share Corporation of Maryland in consideration for the cancellation of a like amount of indebtedness due the respective companies by the corporations merged into the surviving corporation.

It is further proposed that the Republic Electric Power Corporation will execute to the Niagara Share Corporation a non-negotiable 5% demand note the sum of \$200,000, secured by demand notes of Apache Gas Company and Gas Transport Company, and all the issued and outstanding stock of the latter companies. The Niagara Company will look to the collateral for collection of the note, and agrees not to transfer or assign the note without first obtaining the approval of the Securities and Exchange Commission.

This declaration and application is filed as an amendment and supplements the original declaration and application on which the Commission has already held a public hearing.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 38-2759; Filed, September 20, 1938; 12:50 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1938.



[File Nos. 31-419, 60-1]

**IN THE MATTER OF UTILITIES EMPLOYEES SECURITIES COMPANY AND NEW ENGLAND CAPITAL CORPORATION**

**ORDER DENYING MOTION TO SEPARATE HEARINGS AND TO VACATE ORDER TO CONSOLIDATE HEARINGS**

Utilities Employees Securities Company having filed an application with this Commission pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring said company and its subsidiary company, New England Capital Corporation, not to be subsidiary companies of certain named companies, and the matter having been set down for hearing to be held on September 15, 1938 at Washington, D. C., and

The Commission having ordered a hearing<sup>1</sup> to be held pursuant to Section 2 (a) (11) (D) of the Public Utility Holding Company Act of 1935 to determine whether Utilities Employees Securities Company and New England Capital Corporation bear such a relationship to certain specified companies as to constitute affiliates under the provisions of said section of the Act, and the matter having been set down for hearing to be held September 15, 1938 at Washington, D. C., and

The Commission on September 2, 1938<sup>2</sup> having ordered that the said two matters be consolidated for the purpose of hearings thereon but reserving for the Commission the right, if at any time it may appear conducive to an orderly and economic disposition of either of such matters, to order separate hearings with respect to the same or any part thereof or to close the order with respect thereto or to take action thereon prior to closing the record on said other matter, and

Utilities Employees Securities Company on its own behalf and on behalf of New England Capital Corporation having on September 15, 1938 filed with the Commission a written motion to vacate the Commission's order of September 2, 1938 or in the alternative that an order should be made to separate the hearings on said two matters, and

Oral argument on said motion having been heard by the Commission and the motion having been duly considered on its merits, it is the opinion of the Commission:

1. That the primary parties of interest in both the proceedings are Utilities Employees Securities Company and New England Capital Corporation.

2. That the specified parties from whom exemption as a subsidiary company is sought in the application pursuant to Section 2 (a) (8) are four of the six specified companies referred to in the proceedings pursuant to Section 2 (a) (11) (D).

<sup>1</sup> 3 F. R. 2182, 2183 DI.

<sup>2</sup> 3 F. R. 2183 DI.

3. That while the ultimate findings of fact and conclusions of law must be separately applied to the determination of each of said proceedings, nevertheless, the proceedings involve common questions of law and fact, and evidence offered with respect to each matter may have a bearing upon the other.

4. That it does not appear that the consolidated hearings will prejudice any rights of the moving parties to a judicial review of an order which may issue in either matter nor obstruct the right of the moving parties to file separate briefs or make separate arguments in support of separate findings in connection with each of said proceedings to this Commission.

5. That by the consolidation of the said matters substantial savings in time and expense, both to the applicants and to the Commission's staff, will result, and the probable need of repetition of similar or identical proof if the matters were separated will be prevented; that a consolidation of matters where such savings may reasonably be anticipated is, in the opinion of the Commission, highly desirable and in conformity with the practice of both courts of law and of equity.

6. That if at any time during the course of the consolidated hearings it may appear conducive to an orderly and economic disposition of either of such matters to separate such hearings with respect to the same, then the Commission, under the reservation contained in the order for consolidation, may so provide.

*It is, therefore, ordered,* That the motion to vacate the Commission's order of September 2, 1938 or in the alternative that an order be made by this Commission with respect to said two proceedings be, and the same hereby is, denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2762; Filed, September 20, 1938; 12:50 p. m.]

**United States of America—Before the Securities and Exchange Commission**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September 1938.

[File No. 1-2328]

**IN THE MATTER OF APPLICATION OF GENERAL AMERICAN TRANSPORTATION CORPORATION TO WITHDRAW ITS COMMON STOCK, \$5 PAR VALUE, FROM LISTING AND REGISTRATION ON THE BOARD OF TRADE OF THE CITY OF CHICAGO**

**ORDER SETTING HEARING**

The General American Transportation Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934,

as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$5 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 A. M. on Thursday, October 6, 1938, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2761; Filed, September 20, 1938; 12:50 p. m.]

**United States of America—Before the Securities and Exchange Commission**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1938.

[File No. 32-104]

**IN THE MATTER OF VIRGINIA ELECTRIC AND POWER COMPANY**

**NOTICE OF AND ORDER FOR HEARING**

Application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered,* That a hearing on such matter be held on October 3, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That Charles S. Lobingier or any other officer or officers of the Commission designated by it for



that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 28, 1938.

The matter concerned herewith is in regard to a proposed issuance and sale by applicant, Virginia Electric and Power Company, a subsidiary of Engineers Public Service Company, a registered holding company, of \$37,500,000 principal amount of First and Refunding Mortgage Bonds, Series B, 3½%, due September 1, 1968, such issue and sale to be by public offering through underwriters; and \$4,000,000 principal amount of notes to be issued to banks in series, to be dated October 10, 1938 to October 1, 1939, to mature serially from May 1, 1940 to November 1, 1946, and to bear interest at the rate of 3%. The proceeds of the securities proposed to be issued and sold are to be expended or otherwise used for the following purposes:

(1) The redemption of \$37,488,000 principal amount of First and Refunding Mortgage Bonds, Series A, 4%, of the applicant, due November 1, 1955, being all of said bonds outstanding, at 105;

(2) The payment of \$800,000 principal amount of notes payable to banks; and

(3) Capital additions and improvements increasing the applicant's electric generating capacity in its Twelfth Street Station at Richmond, Virginia.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2760; Filed, September 20, 1938; 12:50 p. m.]